

AMENDED IN ASSEMBLY APRIL 27, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 812

Introduced by Assembly Member Weber

February 26, 2015

An act to add Chapter 4 (commencing with Section 350) to Part 1 of Division 1 of Title 1 of the Education Code, relating to English proficiency.

LEGISLATIVE COUNSEL'S DIGEST

AB 812, as amended, Weber. Pupils of limited *academic* English proficiency: assessments.

Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting an assessment of pupils who are English learners in order to determine the level of *English* proficiency. Existing law requires each school district that has one or more pupils who are English learners, to assess the English language development of each pupil. Existing law requires this assessment to be conducted upon initial enrollment, and annually thereafter, during a period determined by the Superintendent of Public Instruction and the state board.

This bill would, notwithstanding the above provisions, require the department, on or before September 1, 2017, to develop an assessment tool to determine the proficiency level of pupils of limited *academic* English proficiency, as defined, and as determined by a ~~survey~~ *formal process* that the bill would require the Superintendent to develop ~~and a in consultation with the department and local educational agency to~~

~~administer, creating a state program, agencies, as provided. The bill would require the assessment to be conducted upon a pupil's initial enrollment, enrollment or as early as possible after enrollment, in order to provide information to determine if the pupil is a pupil of limited academic English proficiency, and annually thereafter, during a period of time determined by the Superintendent and the state board. The bill would require the annual assessments to continue until the pupil is designated as academic English proficient, as provided. The bill would require, if a pupil is still performing at a level of limited academic English proficiency after the grade 8 Smarter Balanced Assessment System summative and interim assessments, the school district to provide targeted resources with the goal of the pupil scoring at the level of 3 or higher on the grade 11 Smarter Balanced Assessment System summative and interim assessments.~~

By creating new duties for a local educational agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4 (commencing with Section 350) is
2 added to Part 1 of Division 1 of Title 1 of the Education Code, to
3 read:

4
5 CHAPTER 4. PUPILS OF LIMITED ACADEMIC ENGLISH
6 PROFICIENCY
7

8 350. ~~For~~(a) For purposes of this chapter, “pupils of limited
9 academic English proficiency” ~~means is defined as~~ pupils who do
10 not have the clearly developed academic English language skills
11 of comprehension, speaking, reading, and writing necessary to
12 receive instruction in English at a level substantially equivalent to

pupils of the same age or grade whose primary language is *also* English.

(b) For purposes of this chapter, “academic English” and “academic language” shall have the same meaning and are defined as the oral, written, auditory, and visual language proficiency required to learn effectively in school and academic programs. Academic English and academic language is the language used in classroom lessons, books, tests, and assignments, and it is the language that pupils are expected to learn and achieve fluency in. Frequently contrasted with “conversational” or “social” language, academic language includes a variety of formal-language skills such as vocabulary, grammar, punctuation, syntax, discipline-specific terminology, or rhetorical conventions, that allow pupils to acquire knowledge and academic skills while also successfully navigating school policies, assignments, expectations, and cultural norms.

350.1. (a) On or before September 1, 2016, the Superintendent, in consultation with the department, ~~shall develop a survey for local educational agencies that identifies the number of pupils identifiable as pupils of limited English proficiency.~~ *department and local educational agencies, shall develop a formal process to identify pupils who may meet the definition in subdivision (a) of Section 350.*

(b) ~~Local educational agencies shall develop a process to annually administer the surveys of pupils at the beginning of each school year. At a minimum, local educational agencies shall survey the~~ *The process may, at a minimum, provide special consideration to pupils who meet any of the following criteria:*

(1) Scores in the lowest achievement levels on the Smarter Balanced Assessment System summative and interim assessments.

(2) Receives less than a passing grade on one or more consecutive progress and report cards in English language-~~arts~~ *courses.* ~~arts.~~

(3) Is identified by teachers or faculty members as a candidate who may meet one or more of the criteria in paragraphs (1) or (2).

350.2. (a) On or before January 1, 2017, the department, in consultation with local educational agencies, shall develop a study on best practices for providing instruction to pupils of limited *academic* English proficiency, and shall provide this study to members of the Legislature, the Office of the Legislative Analyst,

1 and the Governor. The study shall include, but not be limited to,
2 information relating to all of the following:

3 (1) Existing state and local programs.

4 (2) Effective pedagogical and instructional methods for pupils
5 of limited *academic* English proficiency.

6 (3) Professional development and training needs for teachers
7 who would be likely to provide instruction to pupils of limited
8 *academic* English proficiency.

9 (b) ~~(4) The study required to be submitted to the Legislature~~
10 ~~pursuant to subdivision (a) shall be submitted in compliance with~~
11 ~~Section 9795 of the Government Code.~~

12 ~~(2) This section shall become inoperative on January 1, 2021,~~
13 ~~pursuant to Section 10231.5 of the Government Code.~~

14 350.3. (a) Notwithstanding any other law, including Article
15 3.5 (commencing with Section 313) of Chapter 3, on or before
16 September 1, 2017, the department shall develop an assessment
17 tool to determine the proficiency level of pupils of limited
18 *academic* English proficiency identified through the ~~survey~~ *formal*
19 process, pursuant to Section 350.1, for purposes of identifying an
20 adequate method of instruction for these pupils.

21 (b) The department, with the approval of the state board, shall
22 establish procedures for conducting the assessment required
23 pursuant to subdivision (a) and for the designation of a pupil of
24 limited *academic* English proficiency to *academic* English
25 proficient.

26 350.4. (a) Notwithstanding any other law, including Article
27 3.5 (commencing with Section 313) of Chapter 3, commencing
28 with the 2018–19 school year, the assessment *developed pursuant*
29 *to Section 350.3* shall be conducted upon initial ~~enrollment,~~
30 *enrollment or as early as possible after enrollment*, in order to
31 provide information to determine if the pupil is a pupil of limited
32 *academic* English proficiency, and annually thereafter during a
33 period of time determined by the Superintendent and the state
34 board. The annual assessments shall continue until the pupil is
35 designated as *academic* English proficient pursuant to Section
36 350.5.

37 (b) *For purposes of this section, school districts may utilize a*
38 *pupil scoring at the highest achievement levels of 3 or higher on*
39 *the Smarter Balanced Assessment System summative and interim*
40 *assessments to designate the pupil as academic English proficient.*

1 *If a pupil is still performing at a level of limited academic English*
2 *proficiency after the grade 8 Smarter Balanced Assessment System*
3 *summative and interim assessments, the school district shall*
4 *provide targeted resources with the goal of the pupil scoring at*
5 *the level of 3 or higher on the grade 11 Smarter Balanced*
6 *Assessment System summative and interim assessments.*

7 ~~(b)~~

8 (c) The assessments conducted pursuant to this section shall be
9 conducted in a manner consistent with federal statutes and
10 regulations.

11 350.5. Notwithstanding any other law, including Article 3.5
12 (commencing with Section 313) of Chapter 3, the Superintendent
13 shall develop a procedure to designate a pupil of limited *academic*
14 English proficiency as *academic* English proficient. The
15 designation procedure developed by the Superintendent shall utilize
16 multiple criteria in determining whether to designate a pupil as
17 proficient in *academic* English, including, but not limited to, all
18 of the following:

19 (a) Assessment of *academic* language proficiency using an
20 objective assessment instrument.

21 (b) Teacher evaluation, including, but not limited to, a review
22 of the pupil's curriculum mastery.

23 (c) Parental opinion and consultation.

24 (d) Comparison of the performance of the pupil in basic skills
25 against an empirically established range of performance in basic
26 skills based upon the performance of *academic* English proficient
27 pupils of the same age, that demonstrates whether the pupil is
28 sufficiently proficient in *academic* English to participate effectively
29 in a curriculum designed for pupils of the same age.

30 350.6. This chapter does not preclude a school district or county
31 office of education from testing pupils of limited *academic* English
32 proficiency more than once in a school year if the school district
33 or county office of education chooses to do so.

34 SEC. 2. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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